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18 Attorneys for Plaintiff  
19 MARK HUNT

20 **UNITED STATES DISTRICT COURT**  
21 **DISTRICT OF NEVADA**

22 MARK HUNT, an individual,  
23 Plaintiff,

24 v.

25 ZUFFA, LLC d/b/a ULTIMATE  
26 FIGHTING CHAMPIONSHIP, a  
27 Nevada limited liability company;  
28 BROCK LESNAR, an individual;  
DANA WHITE, an individual; and  
DOES 1-50, inclusive,  
Defendants.

**Case No.: 2:17-cv-00085-JAD-CWH**

**STIPULATED DISCOVERY PLAN  
AND PROPOSED SCHEDULING  
ORDER**

**[SPECIAL SCHEDULING REVIEW  
REQUESTED]**

1 Pursuant to this Court's order and consistent with the Federal Rules of Civil  
2 Procedure, Rule 26 and Local Rule 26-1, the parties by and through their respective  
3 counsel hereby submit this stipulated discovery plan and proposed scheduling  
4 order.

5 The parties completed the required meeting of counsel via teleconference on  
6 January 3, 2017. Scott Ingold and Joseph Gonnella participated on behalf of  
7 Plaintiff MARK HUNT ("Hunt"); Colby Williams participated on behalf of  
8 Defendants ZUFFA, LLC d/b/a ULTIMATE FIGHTING CHAMPIONSHIP  
9 ("Zuffa") and DANA WHITE ("White"). Howard Jacobs and Peter Christiansen  
10 participated on behalf of BROCK LESNAR ("Lesnar").

11 The parties request special scheduling review based on the following:

12 Zuffa and White were the first defendants to answer or otherwise appear in  
13 this action on February 28, 2017. Defendants each filed a motion to dismiss Hunt's  
14 complaint. Those motions were fully briefed and the Court heard oral argument on  
15 May 22, 2017, granting in part and denying in part the motions with leave for Hunt  
16 to amend his complaint. Hunt subsequently filed an amended complaint, and  
17 Defendants thereafter again filed motions to dismiss. (ECF Nos. 64, 68, 71.)  
18 Those motions have also been fully briefed but not yet decided by the Court. The  
19 parties agree the outcome of these pending motions may significantly impact the  
20 scope of discovery as it relates to the RICO and possibly other causes of action.

21 Counsel for Zuffa and White is scheduled to begin trial in another matter on  
22 April 16, 2018. That matter has been pending for nearly six years and the trial  
23 estimate is six months. Moreover, Plaintiff Hunt is a resident of Australia, which  
24 may create delays in obtaining discovery from him, especially as it relates to the  
25 potential taking of his deposition. Accordingly, special scheduling review is  
26 appropriate based on the current procedural posture of the pleadings, anticipated  
27 volume of written discovery and document production, and counsel's availability.

28 The parties agree to the following proposed schedule to complete discovery

1 on all non-RICO related claims. The parties will meet and confer following the  
2 determination of the pending motions to dismiss to propose any appropriate  
3 revisions to the scope of discovery or timing.

#### 4 **I. SCHEDULING**

##### 5 **A. Initial Disclosures**

6 Hunt, Zuffa and White have exchanged initial disclosures. Lesnar will serve  
7 his initial disclosures on or before January 31, 2018.

##### 8 **B. Discovery Cut-Off Date**

9 Pursuant to LR 26-1(b)(1), the discovery cut-off date shall be October 1,  
10 2018, which is 270 days from the date of the parties' Rule 26(f) conference.

##### 11 **C. Amending Pleadings and Adding Parties**

12 Pursuant to LR 26-1(b)(2), the last day to amend pleadings and add parties  
13 will be July 3, 2018, which is 90 days prior to the discovery cut-off.

##### 14 **D. F.R.C.P. 26(a)(2) Expert Disclosures**

15 Pursuant to LR 26-1(b)(3), the initial expert disclosures under F.R.C.P.  
16 26(a)(2) will be due August 2, 2018, which is 60 days prior to the discovery cut-off.  
17 Rebuttal expert disclosures will be due September 3, 2018, which is 33 days after  
18 the disclosure of initial experts.

##### 19 **E. Dispositive Motions**

20 Pursuant to LR 26-1(b)(4), the last date to file dispositive motions shall be  
21 October 31, 2018, which is 30 days after the discovery cut-off.

##### 22 **F. Joint Pretrial Order**

23 Pursuant to Local Rule 26-1(b)(5), the date for filing the joint pretrial order  
24 shall not be later than 30 days after the cut-off date for filing dispositive motions.  
25 In the event that dispositive motions are filed, the date for filing the joint pretrial  
26 order shall be suspended until 30 days after decision on the dispositive motions or  
27 until further order of the court. In the further event that the discovery period is  
28 extended from the discovery cut-off date set forth in this Discovery Order, the date

1 for filing the joint pretrial order shall be extended in accordance with the time  
2 periods set forth in this paragraph.

## 3 **II. DISCOVERY PLAN**

### 4 **A. Scope of Discovery**

5 The parties acknowledge discovery shall proceed on all claims except for  
6 Hunt's claims one and two (Racketeer Influenced and Corrupt Organizations Act),  
7 consistent with the Court's order staying discovery on those claims. The parties  
8 agree to phased discovery. Phase one shall be written discovery on all non-RICO  
9 claims. Phase two shall include non-written discovery and RICO claims, subject to  
10 the pending motions to dismiss, the outcome of which will likely necessitate the  
11 parties revisiting the scope and timing of discovery and corresponding deadlines.  
12 The parties shall not take depositions prior to the determination of the pending  
13 motions to dismiss except by the agreement of all parties.

### 14 **B. Electronic Evidence**

15 Pursuant to LR 26-1(b)(9), the parties agree to meet and confer regarding the  
16 appropriate search terms, procedures and production of electronic evidence. To the  
17 extent that discoverable information is electronically stored, the parties shall  
18 produce such information in its native format, PDF, or searchable TIFF, including  
19 metadata, to the extent available. The parties further certify that they discussed  
20 whether they intend to present evidence in electronic format to jurors for the  
21 purpose of juror deliberations. The parties anticipate the use of such electronic  
22 evidence and agree to work with each other to reach appropriate stipulations  
23 regarding the production of discovery in an electronic format compatible with the  
24 Court's electronic evidence jury display system.

### 25 **C. Stipulated Protective Order**

26 The parties will negotiate and file for Court approval a stipulated protective  
27 order to protect confidential information.  
28

### III. CASE MANAGEMENT

#### A. Alternative Dispute Resolution

Pursuant to LR 26-1(b)(7), the parties agree mediation or early neutral evaluation is premature at this time. The parties will be prepared to discuss Alternative Dispute Resolution at the Trial Setting and Discovery Status Conference.

#### B. Alternative Forms of Case Disposition

Pursuant to LR 26-1(b)(8), the parties have considered consent to trial by a magistrate judge pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 as well as use of the Short Trial Program.

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1 DATED: January 5, 2018

HIGGS FLETCHER & MACK LLP

2 By: /s/ Joseph A. Gonnella

3 CHRISTINA M. DENNING, ESQ.

4 SCOTT J. INGOLD, ESQ.

5 JOSEPH A. GONNELLA, ESQ.

6 Attorneys for Plaintiff

MARK HUNT

7 DATED: January 5, 2018

CAMPBELL & WILLIAMS

8 By: /s/ J. Colby Williams

9 J. COLBY WILLIAMS, ESQ.

10 PHILIP R. ERWIN, ESQ.

11 Attorneys for Defendants ZUFFA,

12 LLC d/b/a ULTIMATE FIGHTING

13 CHAMPIONSHIP and DANA

WHITE

14 DATED: January 5, 2018

15 LAW OFFICES OF HOWARD L.  
16 JACOBS

17 By: /s/ Howard L. Jacobs

18 HOWARD L. JACOBS, ESQ.

19 Attorneys for Defendant BROCK

20 LESNAR

21 IT IS SO ORDERED:

22 BY: \_\_\_\_\_  
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: \_\_\_\_\_  
25  
26  
27  
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**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5 and the Court's Local Rules, the undersigned hereby certifies that on this day, January 5, 2018, a copy of the foregoing document entitled **STIPULATED DISCOVERY PLAN AND PROPOSED SCHEDULING ORDER** was filed and served through the Court's electronic filing system (CM/ECF) upon all registered parties and their counsel.



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Barbara Lodovice  
An employee of Higgs Fletcher & Mack LLP